

REMARKS

This is a full and timely response to the outstanding nonfinal Office Action mailed March 4, 2005. Reconsideration and allowance of the application and presently pending claims, as amended, are respectfully requested.

Present Status of Patent Application

Claims 1-50 are pending in the present application. Claims 1-22, 24-27, 29-39, 42-46 and 48-50 are allowed in the Office Action. Claims 23, 28, 40, 41 and 47 stand rejected under 35 U.S.C. §102(b). No other rejections or objections are presented in the Office Action.

Response To Claim Rejections Under 35 U.S.C. Section 102(b)

Claims 23, 28, 40, 41 and 47 stand rejected under 35 U.S.C. §102(b) as being unpatentable as being anticipated by M. Kidwai, et al. (CA 125:33462).

The Office Action comments:

“Kidwai et al teach an oxiranecarboxylic acid hydrazide which can be characterized generally as an aza-peptide or aza-aminoacid epoxide for treating encephalomyocarditis virus which involves inflammation and neurodegeneration. The teachings of Kidwai et al meet all the limitations of the above broad claims and reads on neurodegenerative, inflammation, aza-peptide and aza-aminoacid epoxide and epoxide coupled with hydrazide.”

Office Action at page 2. Applicants respectfully traverse.

Claim 23

Kidwai teaches a method of synthesizing oxirane carboxylic acid derivatives of substituted hydrazines by reacting a chloroacetyl hydrazide with an aromatic aldehyde to form an oxirane carbonyl hydrazide, with the oxirane attached to the hydrazide. The mechanism involved in forming the quinoline substituted oxiranes taught by Kidwai includes carbanion generation (using sodium methoxide) followed by condensation with aromatic aldehydes, resulting in the formation of an epoxide. Thus, the epoxide is formed as a result of the reaction and does not involve coupling the epoxide with a substituted hydrazide. The mechanism involved in the formation of an aza-peptide epoxide as

described in the present application involves a coupling reaction in which a bond is formed between an epoxide (such as an oxirane carboxylic acid derivative) and a hydrazide. Thus, Applicants respectfully submit that Kidwai does not teach coupling an epoxide with a substituted hydrazide, and that Claim 23 is therefore in condition for allowance.

Claim 28

The compounds of the present application further differ from those of Kidwai in that they do not have a quinoliny1 at the R₁ site and do not have hydrogen at R₂. Claim 28 has been amended to reflect this difference. Thus, it is believed that the rejection with respect to Claim 28 has either been accommodated and/or rendered moot based on the claim amendments set forth herein, and that Claim 28 is therefore allowable.

Claim 40

Applicants respectfully submit that Kidwai does not anticipate Claim 40 because Kidwai does not teach aza-peptide epoxides. A peptide has at least one peptide bond and at least two amino acid residues. Thus, an aza-peptide would have at least one peptide bond and at least two amino acid or aza-amino acid residues. The quinoline substituted oxirane of the Kidwai compounds can not be characterized as aza-peptides because there is no peptidic content (i.e. the NCC backbone of an amino acid residue) in the quinoline moiety. The compounds disclosed in Kidwai do not have at least one peptide bond and at least two amino acid or aza-amino acid residues, and are thus not aza-peptides. Thus, Applicants respectfully submit that Claim 40 is allowable over Kidwai and that the rejection should be withdrawn.

Claim 41 and 47

Applicants respectfully submit that Claims 41 and 47 are allowable for at least the reasons set forth above in the discussion of Claim 40.

Amendments to Claims 29, 30, 34, and 38

Allowed Claims 29, 34, and 38 have been re-written in independent form and Claim 30 has been amended to depend from independent Claim 29. It is believed that their amendment does not affect the scope of these claims, and that they remain in condition for allowance.

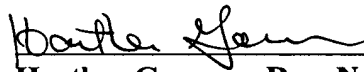
Amendments to Claims 10 and 14

Allowed Claims 10 and 14 are amended to correct obvious typographical errors. It is believed that their amendment does not affect the scope of these claims and that they remain allowable.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed and that all pending claims are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephone conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



Heather Gorman, Reg. No. 42,389

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500